

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement in the label "140 Pounds," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 29, 1924, John C. Brockmeier, trading as Brockmeier & Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the sacks be relabeled under the supervision of this department and that the sacks be refilled to the correct quantity of contents.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12358. Adulteration and misbranding of chocolate candies. U. S. v. 25 Boxes and 30 Boxes of Chocolate Products. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18426. I. S. Nos. 15427-v, 15428-v. S. No. E-4755.)

On March 3, 1924, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 55 boxes of chocolate candies remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Lauer & Suter Co. from Baltimore, Md., in part on or about January 21, and in part on or about January 26, 1924, and transported from the State of Maryland into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Box) "L & S * * * 120—Choc Cream Crosses—120 Pure Candies The Lauer & Suter Co. Baltimore, Md." The remainder of the said article was labeled in part: (Box) "L & S * * * 120—Choc. Cr. Jazz Rabbits—120 Pure Candies The Lauer & Suter Co. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that foreign fat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Choc Cream * * * Pure Candies" and "Choc. Cr. * * * Pure Candies," as the case might be, were false and misleading and deceived and misled the purchaser in that the product contained a foreign fat, to wit, cocoanut fat. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 9, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12359. Adulteration and misbranding of canned oysters. U. S. v. 1,410 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18515, 18516, 18517, 18518, 18519, 18520, 18521, 18522, 18523, 18524, 18525. I. S. Nos. 18027-v, 18040-v, 18041-v, 4744-v. S. No. C-4322.)

On March 31, 1924, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,410 cases of oysters remaining in the original packages in various lots at Lexington, Hazard, London, Burnside, Maysville, Lawrenceburg, and Hutchison, Ky., respectively, consigned by the Marine Products Co., New Orleans, La., from Biloxi, Miss., January 19, 1924, alleging that the article had been shipped from Biloxi, Miss., and transported from the State of Mississippi into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: "Konisur Brand * * * Cove Oysters Packed By Sea Food Co. Biloxi, Miss., U. S. A. Contents 5 Ounces."